

10/759,582

- 2 -

131067-2

REMARKS

The Office Action mailed October 12, 2005 addressed claims 1 to 26. Claims 1 to 26 are subject to restriction and/or election.

The Examiner stated that under 35 U.S.C. 121 Applicants are required to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable. The Examiner indicated that Claim 1 is generic to species 1. The Examiner further stated that a reply to the restriction requirement must include an identification of the species that is elected consonant with the requirement, a listing of all claims readable thereon, and including any claims subsequently added.

The Examiner indicated that some of the claims refer to Markush group subspecies and should be restricted to one subspecies. The Examiner suggested electing a subspecies for each occasion of the Markush group or alternatively, amending the claims to exclude the use of Markush language.

Applicants respectfully disagree with the Examiner and submit that claim 1 is generic, encompassing all of the species in the Examiner's examples, and not specific to species 1 as suggested by the Examiner.

Applicants provisionally elect species 1, to a unitary assembly of substrate holder and support shaft, for prosecution. Applicants respectfully submit that dependent claims 2 to 17 read on the elected species.

Applicants respectfully traverse the subspecies restriction suggestion for Applicants to select a particular subspecies for each occasion of the Markush group for purposes of prosecution. Under MPEP 803.02 "... when the Markush group occurs in a claim reciting a process or a combination (not a single compound), it is sufficient if the members of the group are disclosed in the specification to possess at least one property in common which is mainly responsible for their function in the claimed relationship, and it is clear from their very nature or from the prior art that all of them possess this property."

Applicants respectfully direct the Examiner's attention to:

10/759,582

- 3 -

131067-2

1) Claims 3 and 4 in US Patent No. 6878906, "Ceramic heater for semiconductor manufacturing and inspecting equipment," which are directed to ceramic materials for use in ceramic heaters similar to the claimed invention.

2) Claim 1 of US6239418 titled "Microwave oven and components therefore," directed to an article having a coating comprising ceramic materials of similar nature / property to the coating layer(s) in the device of the present invention: "...having a surface coating consisting of nitrides, carbides, or carbonitrides of elements of the IVa to VIa groups of the periodic system..."

3) In the claims of US 6821624, ". An amorphous carbon covered member comprising: a substrate; an interlayer formed on said substrate, said interlayer comprising at least one element selected from the group consisting of Ti, Zr, Hf Cr, W, Al, Ga, In, Ti, Sn and Pb, and said interlayer having a thickness of 0.5 nm or over and less than 10 nm; and an amorphous carbon film formed on said interlayer; and said interlayer is formed simultaneously with etching of said surface of said substrate by applying a negative bias voltage to said substrate in presence of at least ions of an element forming said interlayer."

Please reconsider the suggestion for the election of a subspecies for each occasion of the Markush group, or the amendment of the claims to exclude the use of the Markush language.

In the event that the Examiner disagrees with Applicants' remarks, Applicants provisionally elect the subspecies nitride from each Markush group of claims 1, 8, and 17 for prosecution.

Applicants respectfully submit that if the elected species is found allowable, Applicants are entitled to consideration of any additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

10/759,582

- 4 -

131067-2

CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently objected and rejected claims, claims 1 to 26. Applicants respectfully request allowance of claims 1 to 26, the claims currently pending.

Date: October 27, 2005
General Electric Company
One Plastics Avenue
Pittsfield, MA 01201

Respectfully submitted,



Hanh T. Pham
Reg. No. 40,771
(413) 448-4664